

December 10, 2008

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TOWN OF NEW WINDSOR

PLANNING BOARD

DECEMBER 10, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER
DANIEL GALLAGHER

MICHAEL BABCOCK
BUILDING INSPECTOR

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the December 10, 2008 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Good evening, everybody, if you can't

hear me in the back somebody please tell me and I'll turn the microphone on. I don't want to use the microphone unless I have to, I'm sick, I'm irritable and I'm tired so if you can't hear me in the back just tell me and I'll turn the microphone on so you can hear me. First of all, we're going to get a couple things out of the way cause I'm sure when this meeting is over I'm going to want to go, I'm not going to want to hang around. I want to distribute these to the members, this is our schedule for next year. We'll be talking about that in January hopefully everybody will agree to it, pass this along, Howard, please, Myra, there's a couple copies here for you.

Second thing I want to thank everybody, our professionals, Franny and everybody here for all the help that they gave this board over the past year. This is our last meeting of 2008, so I want to thank everybody for all the help they've given us and all the patience they've had with me and some of my outbursts from time to time and just the patience that the members have had with me.

We have some regulars in the audience that I certainly want to thank, you know who you are, I won't name you, I want to thank you for your intelligent and considerate commentary and most of all your respect for the board as a public body. So you know who you are, I will not mention you by name, but you're in the audience tonight.

I want to remind the members next year first meeting whatever the date is, I don't remember the date, please be here a half hour early. Myra, please call the people that are not here, ask them to be here a half hour early so we can have our reorganization meeting.

MR. VAN LEEUWEN: The 14th.

MR. ARGENIO: Henry tells me that meeting is January 14 so please be here a half hour early that night. All that said, I'll get to the agenda.

APPROVAL_OF_MINUTES_DATED_NOVEMBER_12,_2008

MR. ARGENIO: First of all, if anybody's sees fit, any members see fit, I'll accept a motion we accept the minutes dated November 12, 2008 as written.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we accept those minutes as written. I'll have a roll call.

ROLL CALL

MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I also want to tell anybody that's here tonight that we're short tonight, Neil is in Florida and Danny's wife just had a baby. Myra, can we get a card for him from the planning board? Good. So if you're in front of this board for anything close to final approval tonight, you need unanimous vote, you can stay or you can leave but I need a unanimous vote. We do have a quorum but all three have to vote the same way, I assume everybody understands what that means.

HILL_&_DALE_MOBILE_HOME_PARK

MR. ARGENIO: I'll go right to the Hill & Dale Mobile Home Park. Is anybody here? Sir, what's your name?

MR. HERSHEL: Joe Hershel.

MR. ARGENIO: Mark, has Mike given you any commentary on this mobile home park at all?

MR. EDSALL: He brought no deficiencies to my attention.

MR. ARGENIO: In the inspection list here from the fire inspector everything he indicates here is good. Do you have a check made out in favor of the town for \$150?

MR. HERSHEL: I do.

MR. ARGENIO: If anybody sees fit I will accept a motion we offer them one year extension on their permit.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer the Hill & Dale Mobile Home Park one year extension of the permit. Roll call.

ROLL CALL

MR. BROWN AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: Good to see everything's in order, you don't see that every day.

ZBA_REFERRALS:

AUTOZONE_(08-19)

MR. ARGENIO: First on tonight's agenda is Autozone on Route 94.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: This is the, I think this is the Play It Again Sports building, is that correct?

MR. SHAW: Correct, Pizza Hut and Play It Again Sports.

MR. ARGENIO: This application proposes construction of 6,779 square feet retail automotive parts store adjacent to the existing Play It Again Sports retail building. The plan was reviewed on a concept basis so Greg, do you want to take the building down and put a new building up?

MR. SHAW: Correct, little bit more to it than that. With this submission I made to the board there are two drawings, the first drawing is the proposed Autozone site improvements along with it. The second drawing is the existing conditions plan. If you want to refer to that you'll see exactly what's there with respect to the Pizza Hut building, the Play It Again Sports, the entrances, the existing macadam pavement and other site features. What we're proposing to do--

(Whereupon, Mr. Scheible entered the room.)

MR. ARGENIO: The record should reflect that Mr. Scheible is here not a moment too soon Go ahead.

MR. SHAW: What we're proposing to do is really redo the entire site other than the Play It Again Sports

building which presently has a lease and will continue to have a lease through October of next year. What we want to do is to construct a building for Autozone, as you said, about 6,800 square feet, two brand new highway entrances and new macadam pavement, curbing, drainage, basically redo the whole site. What you have before you tonight is really the initial plan for a referral to the zoning board of appeals. As we complied with the majority of the zoning issues other than parking we're obligated to provide a total of 62 spaces and we're only providing 54. So with that deficiency of eight spaces we're asking for a referral over to the zoning board of appeals. We'll make an application for the variance for the parking spaces and if we're successful then we'll return back to this board and continue with the site plan application.

MR. ARGENIO: You're going to need DOT it looks like?

MR. SHAW: Yes, we're redoing the entrances.

MR. ARGENIO: County?

MR. VAN LEEUWEN: Whereabouts is Autozone?

MR. SHAW: Pizza Hut on Route 94 just west of the Five Corners.

MR. VAN LEEUWEN: I know where it is.

MR. ARGENIO: Guys, this is the first time we've seen this, this is the first time we've seen this and what they're looking for tonight is a, the condemnation of the plan as incomplete which will send them to the zoning board so they can seek their parking variances. So we're certainly going to see this a few more times but I'd like to take a look at it, the general layout of the plan to see if anything's jumping out at anybody. Mark, you have not conducted a technical review as of yet?

MR. EDSALL: I've looked at it at the workshops and coordinated some of my concerns with Greg, he's already incorporated some of the issues we discussed. So I feel that the layout is generally responsive to my initial comments and at this point without the variance they really can't go any further.

MR. ARGENIO: Are the buildings connected?

MR. SHAW: No.

MR. ARGENIO: What's the deal with that?

MR. SHAW: We want to be able to build the Autozone building and put up a new wall and how can you do that if you're one foot against the existing building?

MR. ARGENIO: So what are you going to do with the existing building? Is it going to remain Play It Again Sports or remain with a tenant?

MR. SHAW: It has a tenant presently who has a lease till October of next year and at that point in time, it's either going to be razed or it will remain, again, that's assuming we get the variances.

MR. ARGENIO: The 6,779 feet, what's the sprinkler threshold, five or six?

MR. EDSALL: I believe it's five.

MR. SHAW: For sprinkling of course.

MR. BLYTHE: Yeah, five.

MR. ARGENIO: Anything out at anybody? Probably want to visit some landscaping in the front.

MR. SHAW: Absolutely, we're going to have to submit

lighting plans, landscape, refuse enclosure details, water main, I mean, the standard planning board submission but it's only appropriate for that to follow the variance.

MR. ARGENIO: Guys, Autozone is right across the street, if anybody is aware of it in the Price Chopper plaza, so what do you guys think about that? I think that's probably a pretty good location, it's a nice store.

MR. SCHEIBLE: I think it's a great location.

MR. SHAW: And the site could use a little upgrading.

MR. ARGENIO: I agree with that.

MR. SHAW: This is an opportunity for that.

MR. ARGENIO: Is your client going to pave the lot, get it all cleaned up nice?

MR. SHAW: Yeah, curbs, paving, basically redoing the entire site.

MR. ARGENIO: I think that's good.

MR. SCHEIBLE: I think they're a well-respected organization, I have no problem with the organization itself.

MR. ARGENIO: Dominic or I should say this to Mark, Mark, in the interest of trying to be efficient, can we do a, is the plan in your opinion in a sufficient condition where we can forward it to county?

MR. EDSALL: The county as it currently is of late and five years ago I would have said yes, now they're looking for details on storm water, grading, they're looking for more complete plans so let's wait.

MR. ARGENIO: Does anybody have anything? Howard?

MR. BROWN: No.

MR. VAN LEEUWEN: No, looks okay to me.

MR. SCHEIBLE: I think it looks very well.

MR. VAN LEEUWEN: I don't see a flag pole yet.

MR. SHAW: With a flag?

MR. VAN LEEUWEN: Yes.

MR. SHAW: Just making sure.

MR. SCHEIBLE: Can I ask for sidewalks?

MR. ARGENIO: They're there out front, you can ask, go ahead, ask the question.

MR. SCHEIBLE: No, I was just asking there's always a start, sidewalks.

MR. ARGENIO: With those contours there I don't see it happening.

MR. SCHEIBLE: I can't see it happening either but there's always a will and a way to do something.

MR. ARGENIO: Look right there, you see how steep that is right there? It's a cliff.

MR. SCHEIBLE: I know exactly their situation.

MR. ARGENIO: But as you said, you have to crawl before you can walk.

MR. VAN LEEUWEN: I was on the board when we approved

this building years ago.

MR. ARGENIO: That ugly building?

MR. SCHEIBLE: So was I.

MR. VAN LEEUWEN: I think you were too.

MR. SCHEIBLE: So I missed something then I don't want to miss it this time.

MR. ARGENIO: Anything procedurally we want to go through?

MR. EDSALL: Just number 3.

MR. ARGENIO: If anybody sees fit that this application is incomplete at this time would you please make a motion to deem this incomplete?

MR. VAN LEEUWEN: I'll make a motion to deem it incomplete.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that this application for Autozone is incomplete at this time. I'll have a roll call.

ROLL CALL

MR. BROWN AYE

MR. SCHEIBLE AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: Your application is incomplete, Greg, and it seems to be the flavor of this board is that you're going to the ZBA with a positive recommendation.

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MR. SHAW: Thank you.

PUBLIC_HEARINGS:

PATRIOT_BLUFF_DEVELOPMENT_(01-65_&_65)

MR. ARGENIO: Okay, Patriot Bluff development.

This is my daughter, I'd like you folks in the back there, she's also doing a report on History at school and I told her she could come to the planning board tonight and have a seat here.

Next on tonight's agenda is the Patriot Bluff condominium site plan represented by Mr. Shaw. This application involves development of 175 unit multi-family condominium site on the westerly portion of the RPA property. The plan was previously reviewed at the 12 December, 2001, 22 May, 2002, 10 March, 2004, 9 May, 2007, 22 June, 2007 and 8 August, 2007, 10 September, 2008 and 12 November, 2008 planning board meetings. And as my predecessor used to say, who says we move too fast? This application is before the board tonight for a public hearing at this meeting.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: I'm going to say a few things. There's people that want to speak, they're going to be given the opportunity to speak. But I want to say a couple things first. The purpose of tonight's public hearing is to receive input from the public, not necessarily for this board to provide answers to every question and concern that is voiced. We ask that the speakers not repeat the questions or comments that may have already been placed on the record but rather to go on the record stating that you may disagree or agree with the previous comments. I would also ask that each person only speak once, thus giving everybody an opportunity to participate in this public forum. At the end, if time permits, we may give the opportunity for the members of the audience to provide follow-up questions. What I want to do is I want to reiterate three reasons

for this public hearing, one, talk about the site plan, two, talk about the subdivision and three, to talk about the level of completeness of DSEIS, Draft Supplemental Environmental Impact Statement. What I want the do is turn it over to Greg Shaw at this point to give us a brief, broad stroke of what he's proposing here, what his applicant is asking of the board. When he's done with that, I want Dominic to share some technical procedural things about this application. At that time, we'll open it up to the public, we'll receive, we'll accept comments. We're not going to engage in a diatribe or two-way debate but we're here to get productive comments from the public. After that, we'll review it as a board. Take note all in the room no action is going to be taken tonight, we're going to receive commentary, that's what we're looking for. That said, Greg, go ahead.

MR. SHAW: Thank you very much. As the chairman just mentioned, this is a public hearing on the Patriot Bluff subdivision, the subject property totals 55 acres.

MR. ARGENIO: Greg, please excuse me for interrupting, turn them towards us while you're making this presentation and then we'll turn them back towards the audience during the Q and A session.

MR. SHAW: I'm sure the board members are aware about four years ago Epiphany Drive was constructed which extends from Windsor Highway and presently terminates in the cul-de-sac to the west of Windsor Highway. That's where our project begins. My client owns land totaling 55 acres which is situated west of Windsor Highway and is abutted by lots along Park Hill Drive, Ona Lane the Cantonment and I'm going in a counterclockwise direction, Temple Hill Realty, Continental Manor, Petro and Windsor Crest Condominiums. Of that 55 acres, 7.6 acres is an easement from Central Hudson which basically bisects

the property in this direction and that easement continues all the way out onto Union Avenue. Also on our site is 6.8 acres of wetlands and that's indicated on the plan in the shaded fashion leaving us a net buildable area of 40.7 acres. What we're proposing to do is to develop the site into two segments with this segment being east and west of the Central Hudson easement the easterly segment would consist of 98 lots and the westerly section would consist of 80 lots. Part of this subdivision would be not only the lots themselves but also in the northerly portion would be amenities such as a clubhouse, a pool and tennis courts. Other features is that we're providing an emergency access connection to Park Hill Drive, it will be gated and again, I reinforce that it's for emergency connections only, not a through road. And also with the site we have tried to integrate into the layout of the plan a buffer system around the perimeter of the property in order to maximize the protection for our neighbors. We have also incorporated into the plan 116 parking spaces cause I know that's been an issue of the board on many projects in the past where you want to get vehicles off the street and into appropriate spaces.

MR. ARGENIO: Does the count make the code?

MR. SHAW: Far exceed it. Just to give this board a little history of the project, I was involved with this project going back to 1989 where a PUD permit was granted by the New Windsor Town Board for this project. That PUD permit totaled 537 residential units of numerous bedroom counts, 100,000 square feet of retail and service space and 15,000 square feet of office space. The parcel at that time was 152 acres. That parcel at that time also incorporated the lands which were deeded over to the Newburgh School District with 66 acres at the time of the PUD the school property was part of that permit application. So when you deduct the school from the original application of 166 acres

there was 86 acres remaining. From that 86 acres, the retail portion at the intersection of Windsor Highway and Union Avenue comprised a portion of that and the next section to the west was the Patriot Ridge condos, thus leaving us with the 55 acres that's before you tonight, that's kind of where this property has come from and where it's gone over the past 20 years. What we're proposing to do is to remove the cul-de-sac of Epiphany Drive and extend Epiphany Drive in a westerly direction. It will extend along to the site and along the Central Hudson easement and terminate in the cul-de-sac on the westerly side of the site. The total length of Epiphany Drive is going to be 4,800 lineal feet.

MR. ARGENIO: Town road?

MR. SHAW: It will be built to the town specs, town road and offered for dedication to the town. You will notice on the plans that we have submitted what's also special we're reserving out an area for Epiphany Drive to be extended. As this board has discussed on this application, they're looking for a possible interconnect road with New York State Route 300 and while many things have to come into play for that to happen this is the initial step this will allow the dedication of this road with the cul-de-sac and with the area reserved to the Town of New Windsor for that roadway to continue extending to the west to Route 300 at some point in time in the future, when that's going to happen we really don't know. Of this 4,800 feet of roadway we're going to have to install 3,600 from the cul-de-sac just to get to the site. It's a substantial run of road. Part of that 3,600 square lineal feet is going to be 400 feet through federal wetlands which we have a permit to do to build the road within that wetlands area. And in addition to the extension of Epiphany Drive we're also going to be proposing private roads which will not be dedicated to the town both in the easterly and westerly portions and they're going to

be about 3,800 lineal feet and while they will be constructed to the town road specs, they will be owned by the homeowners' association, so things such as maintenance and snow plowing--

MR. ARGENIO: What's the width of those roads?

MR. SHAW: Thirty feet.

MR. ARGENIO: You said you thought yours were about 24?

MR. BROWN: Our private streets are 24.

MR. ARGENIO: Go ahead, Greg.

MR. SHAW: Thank you. So with that, those are going to be private roads.

MR. VAN LEEUWEN: So, in other words, everything coming off of Epiphany Drive is going to be private?

MR. SHAW: The only thing the town is going to get is on Epiphany Drive. With respect to the sanitary sewer system for the project, the sewer line that's in Epiphany Drive as with Epiphany Drive is going to be dedicated over to the town. What the town has asked us to do is to help them with a surcharging problem that they have on an existing sanitary line which runs from Park Hill down to Route 32. So with that what we're going to do is incorporate that flow into our new line more than likely will be a 12 inch line and will extend not only through Epiphany Drive but through Continental Manor all the way out to Route 300, Temple Hill Road where it will tie into a 30 inch main on the west end of Temple Hill Road which is sewer district 20.

MR. ARGENIO: In layman's terms what they're doing there guys is the problem that's been behind Frank Lander's for like 15 years.

MR. VAN LEEUWEN: As long as I can remember.

MR. ARGENIO: The lids blow off the manholes, they're rerouting all that sewer over to 300 so that problem gets corrected along with their flows being mitigated. Go ahead, Greg.

MR. SHAW: Thank you. So with that, what we're basically going to have to do is to install 2,500 lineal feet of additional sewer main from our site through Continental Manor out to Temple Hill Road which is quite substantial and as I said, there will be a connection into the 30 inch sanitary sewer district 20 on the west side and that will have to include crossing of Temple Hill Road. We're estimating the flow for the entire project to be 53,280 gallons. My client has purchased capacity for this amount of flow from the Moodna Creek Development Group.

MR. ARGENIO: You guys okay with that? Yes?

MR. EDSALL: We'll finalize the numbers but--

MR. ARGENIO: I don't care about the numbers as long as you purchase the appropriate capacity.

MR. SHAW: Correct, and we have been, for the public, that's the former Majestic sewer district which I'm sure this board is aware of and again similar to the road system if the sewer main is in Epiphany Drive it will be offered for dedication for the town, if it's on the private drives, it will be privately owned and maintained by the homeowners' association as will the road system be. And the water main is very similar, we're having two interconnections to the water system, one is with a, even where the existing water main crosses Epiphany the main extension and second is with the water main on Park Hill allowing us to be able to withdraw water from two sources and also to provide a more just as importantly another source of flow into

Park Hill Drive should they need it to eliminate the dead-end which presently exists.

MR. ARGENIO: Do you guys follow that how important it is to eliminate that dead-end? Henry?

MR. SHAW: It's a rather old subdivision and I believe the mains in Park Hill Drive are six inch mains which are substandard to get a decent amount of fire flow from. So this will definitely help the firefighting ability that interconnect. The water mains in Epiphany Drive extension will be owned by the Town of New Windsor as will the roads similar to the sewer and the same thing with the lines outside of Epiphany, they'll be privately owned also by the homeowners' association. And with respect to the storm sewer system, we have incorporated, we're looking at the easterly and westerly portion, the enlarged version of it we have incorporated into the storm water drainage system three storm water detention basins. The first one is going to be on Epiphany Drive as soon as you enter the site proper on the easterly side of the Central Hudson easement. There will be another relatively large pond designated as pond number 2 which is adjacent to Continental Manor. And the third pond is on the westerly site when you have, that's designated as pond number 3 and that will collect and detain storm water flows from that respective area. We prepared a storm water pollution prevention plan which was submitted into this board actually into the board and to your consultants and we're waiting for review. But the bottom line is these ponds were designed not only to treat the storm water but also detain flows for flows up to 100 year storm. So the bottom line is that the storm water that's going to flow will be flowing off the site after full development for 100 year storm which is equivalent to eight inches of rain in 24 hours will be no greater than what's flowing off the site today in its present undeveloped state, all right, and with that, the ponds number 1 and 2 will be offered for

dedication to the Town of New Windsor because they receive storm water from the proposed town road but pond number 3 will be privately owned again by the homeowners' association cause that receives storm water solely from the private roads on the westerly side. That's the brief overview. We covered a lot of ground.

MR. ARGENIO: Yeah, we did and that's fine. Can you, I want to open it up to the public right now, Dominic, unless there are tid-bits that you'd like to add which are germane to the public hearing, I'd like you to hold them till after the public hearing.

MR. CORDISCO: Actually, if you don't mind, I have some just brief comments at this point so the public is aware and this was already mentioned but I just wanted to expand on that this is a public hearing on three different aspects. There's a Draft Supplemental Environmental Impact Statement that's a multi-volume environmental analysis that's been prepared by the applicant, it's been accepted as complete by the planning board and what that means is that it's now ready for public view. So anyone that has comments on that particular document tonight this is the time for that. The SEQRA regulation requires that all the comments have to be addressed in a document called a Final Supplemental Environmental Impact Statement and that will be prepared following the close of the public hearing and following the close of all written comments. The final supplemental will address all the comments typically breaks them down into subject matter by heading, so traffic comments would be there on a section, visual comments would be there on a section, things of that nature and then there would be a response and that's this board's response to those comments. So there will be an opportunity if your questions are not answered tonight they will be answered through the SEQRA process. The public hearing will at the point when it's closed SEQRA requires that it remain open at least for written comments for a

minimum period of ten days, that's something the board can also extend that that's something that the board will consider when it's ready to close the public hearing, the public hearing is also on a proposed subdivision plat and also on a proposed site plan. There's a site plan not only for the common elements but one of the alternatives is a site plan for the entire project where the project would essentially be a condominium ownership. One of the other alternatives is and I believe this is the applicant's preferred alternative is for a zero lot line subdivision where each unit would be on their own lot. There are tax consequences to either choice to the town and that's something that has been considered and evaluated in the Draft Supplemental. At this point, I think we're ready to open the public hearing unless you have anything else.

MR. ARGENIO: Yeah, Washingtonville students, did you hear him say the word SEQRA? Write this down, it's the State Environmental Quality Review, very important tool for planning boards, town boards and applicants, it protects the environment, it protects all of us. Tell your teachers you learned about SEQRA tonight. Unless you guys have anything else, I'd like to open it up for the public. You guys okay with that? Henry?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: On the 24th day of November, 2008 Myra prepared 49 addressed envelopes containing the notice of public hearing to the list provided to her by the assessor's office. She finds that the addressed envelopes are identical to the list that she received from the assessor. That was sent out, the notice of public hearing. Tonight, at this time, if anybody would like to speak for or against or just comment on this application, would you please raise your hand, I will acknowledge you, you can come forward. I'd like your name and address and we're certainly very

interested to hear what anybody has to say. There it is. Come on up.

MR. TRIFILO: My name is Richard Trifilo. This gentleman brought up some past history and I thought maybe we could bring up some past history, I'm not sure if I'm going to be able to do this, counselor, past history about what happened at Patriot Ridge.

MR. ARGENIO: No, we can't do that at all, it's against the law, this board is discriminating against this applicant if we go there and we're not going to go there. What I want to do is I want to focus, Trif, there's a caveat to this and here's the caveat, I want to focus on this application and if there's things that Patriot Ridge where you live now that you as the president of the condo owner's association feel this board should be looking at closely we would like to hear about this. One such thing is Howard shared with me privately he felt the private roads were a little narrow, it seems that the applicant has addressed this in this application. If there's something else similar to this, this is the venue for that.

MR. TRIFILO: A lot of the things that I've listed here were promised in the offering plan for Patriot Ridge and we did not receive and that's my concern, not so much that I don't know if there's anything we can do about it now but for the future for Patriot Bluff the offering plan should match what they represented to 102 families and we didn't get what we bought. But you can't talk about that.

MR. ARGENIO: I'm discriminating against the applicant, counselor, unless I'm mistaken, that concern that you have is with the Attorney General's Office cause I believe unless I'm mistaken they're the ones that administer, monitor and police these perspectives that you guys bought into. Is that correct or not?

MR. CORDISCO: That's correct and the public hearing as we said is on the Draft Environmental Impact Statement.

MR. ARGENIO: And the plans, but Trif, as I said, if you can give us feedback on this site plan so we can help develop--

MR. TRIFILO: Are the plans in the, does it say anything in there about a traffic light at the intersection of 32 and Epiphany Drive?

MR. ARGENIO: Greg?

MR. SHAW: To answer that question I'd like to introduce Tony Russo from Environmental Compliance who prepared the Draft Supplemental Environmental Impact Statement and he's familiar with the traffic.

MR. RUSSO: Thank you very much. To answer your question, yes, it includes the recommendation as part of the traffic study was to have a light established at that intersection, that's the intersection of 32 and Epiphany Drive.

MR. ARGENIO: Which one, which intersection?

MR. RUSSO: Epiphany Drive and 32.

MR. TRIFILO: Are there plans for some sort of speed control on Epiphany Drive other than signage, speed bumps, stop signs?

MR. ARGENIO: I believe that road would be monitored and if anybody in the professionals I think if I'm not wrong that road once it's turned over to the town will be monitored in the same tradition as any other town road with street signs and police traps, radar traps, things of that nature once it's a town road, it's the same as any other town road in the town.

MR. TRIFILO: All right, but right now nobody's monitoring it because it belongs to AVR.

MR. ARGENIO: Is that true, Mark?

MR. EDSALL: Yes, right now it's private property.

MR. TRIFILO: I think I have the answer Epiphany Drive will be the only access to the construction site?

MR. SHAW: Correct.

MR. TRIFILO: So trucks are going to be running up and down Epiphany Drive?

MR. SHAW: Correct.

MR. TRIFILO: What measures are you planning to take for dust control and debris and things of that nature that come with construction sites?

MR. SHAW: One of the things I mentioned that we submitted to the town for their review and we're obligated to do this under the DEC regulations is storm water pollution prevention plan which deals with things such as storm water runoff, quality of storm water which I mentioned before, but also other issues such as erosion control, such as dust control, all those things are in that document and the developer's going to be obligated, all right, to fulfill the requirements that are in that document.

MR. TRIFILO: Okay, does it have anything in the document about maybe the washing of Patriot Ridge after the dust bowl settles on it?

MR. SHAW: Yes, no, no, Patriot Ridge, there's nothing in that document that refers to that.

MR. ARGENIO: What are you asking for, Trif, washing of

your condos?

MR. TRIFILO: Well, it raises a lot of dust. You're familiar with construction?

MR. ARGENIO: No, I don't know anything about construction.

MR. TRIFILO: Raises dust before they blacktop, before they blacktop all the dust.

MR. SHAW: The only thing that should go up and down the road is probably delivery of materials.

MR. TRIFILO: Put a service road off 300 for construction to get in for the trucks.

MR. SHAW: We don't own frontage on Route 300.

MR. ARGENIO: The bottom line is the access for the site is the spine road known as Ephiphany Drive?

MR. SHAW: Correct.

MR. TRIFILO: That's the only way trucks are going to go in and out?

MR. SHAW: Yes, the only way deliveries are going to be made.

MR. TRIFILO: Police do not monitor that so trucks can go up and down the hill at any speed just like the cars do now.

MR. ARGENIO: You bring up a good point, you, as I said, this is not a debate here, I'm making a list that a point of concern insomuch as it's not a town road maybe there's something we need to pencil in here to take care of that issue, I just want to point something out to you though geographic location of this complex

unless I'm mistaken, Mark, correct me if I misspeak, is kind of over the hill to the west of you guys, I don't even think you guys will see it from where you are. I don't think.

MR. SHAW: I don't believe they will.

MR. ARGENIO: I don't think you will. That doesn't mean you're not going to get dust, that's one of the notes I made. Go ahead, continue, it's some good points there.

MR. TRIFILO: That's all I have. Thank you.

MR. ARGENIO: Okay, we have time, you think of something else we'll give you another moment. Anybody else like to speak on this application? Gentleman in the back, would you please come forward? Your name and address?

MR. OLSEN: Rich Olsen, 55 Park Hill Drive.

MR. ARGENIO: Go ahead.

MR. OLSEN: I have two or three things so I hope I can get to them fairly quickly. And I would like to go back to four years ago, I haven't had a chance to read the new impact study which is huge but in the old one--

MR. ARGENIO: You didn't read the new one?

MR. OLSEN: Not yet cause it's like this huge (indicating).

MR. ARGENIO: I can't help you with that, let me speak for a second, the reason we had them do that was because this board and our professionals felt that the old information may have been out of date so we had them do a new one.

MR. OLSEN: That's correct.

MR. ARGENIO: I understand it's voluminous but maybe things that you're concerned about they might be a small section of that, I would encourage you to look at it. Go ahead, Mr. Olsen.

MR. OLSEN: Well, okay, in the old one also and I haven't read the whole new thing there was, it was worded that this company expected New Windsor to pick up the tab for upgrading, increasing the sewer and water for the maximum flow for this development. In the old one I don't know what they said in the newer one cause I haven't read it but if that's the case why?

MR. ARGENIO: It's not the case.

MR. OLSEN: We're not going to pick it up?

MR. ARGENIO: No, I'm going to comment further when you're done about that, but go ahead, your next question.

MR. OLSEN: They're cutting through the wetland with the road, was there a provision made for the amount of wetland that they're going to destroy with the road? Did they add onto that wetland to increase the size from what they took away?

MR. ARGENIO: Mr. Shaw?

MR. SHAW: I will refer to Mr. Russo who was our wetlands consultant also.

MR. RUSSO: The proposal that you speak of involved alteration of 0.48 acres, the new development there will be less alteration, there will be .40, back then we had recommended 0.64 greater than the .48 at that time in the form of mitigation offset creation and that number still stands even though there will be less

impact which is good, the number stands that .64 acre mitigation will occur on site.

MR. OLSEN: On site, okay. When you did the wetlands study, did you also do the animal study or just the wetlands study?

MR. RUSSO: What kind of animals?

MR. OLSEN: Anything that lives in that woods, you're dealing with two sections of woods, you're dealing with 40.7 acres at least that you're talking about.

MR. RUSSO: We did go through, we looked at the area for the threatened and endangered, we made the appropriate agency contacts and included that in our documents. There was nothing that was reported as threatened or endangered. We didn't see that, we have seen deer for instance and I know that's a big draw for the area, we have seen evidence of deer stands that type of thing but there's an interest but other than that we didn't really see much.

MR. OLSEN: In your study, in your whatever, where was your proposal that whatever animals live in that 40, 55 acres where are they going to go once you clear cut that whole thing?

MR. RUSSO: Well, there won't be a considerable amount not what's there now but there will be some open space left behind and we're creating a wetland habitat in the form of minor diversity as well, generally speaking, they're mobile animals that, quite mobile, they move out and come back into those areas.

MR. OLSEN: But where are they going to go?

MR. ARGENIO: Mr. Olsen, excuse me, that's the third time you asked the question. Do you live in Park Hill?

MR. OLSEN: Yes.

MR. ARGENIO: I don't want you to take this the wrong way but my predecessor used to say this and if you think about it it makes a lot of sense, what he used to say is we get comment about the deer all the time and it's a good comment cause a lot of people that move out of the metro area and they come up here and they like the rurality of this area and what he used to say is those deer that are from this development wherever the deer went from your development they're going to go with those deer now, a little bit of a tone, but there's a lot of truth to it as we continue, as development continues up from Westchester, Rockland the fact of the matter is that we're taking over land, woods and stuff and we're, there's laws and stuff for endangered species but deer are not on that list as of yet.

MR. OLSEN: I understand but the fact remains the original report before the first project was built down at the corner in that one it said they were going to move to here. Now you're going to tear, they're going to tear this down so I just want to know where they're going to go.

MR. ARGENIO: Then your question is found in good logic.

MR. OLSEN: You follow what I'm saying?

MR. ARGENIO: Yes, I do.

MR. OLSEN: It's already their own thing and it said before they're going to go to here now you're going to tear that down, now where do they go?

MR. ARGENIO: What's your next question?

MR. OLSEN: That's all I can think of at the moment.

MR. ARGENIO: Okay, thank you, sir. Washingtonville High School, you want to come up, we'll get you going. Is there anybody else that would like to speak for or against or just comment on this application? Mr. Bedetti, come on open, let me sign these guys out then you can speak.

MR. BEDETTI: Frank Bedetti on Harth Drive. This is more in the form of a question, something that as part of the original plan if I'm not correct, please correct me that there were some 28 single family homes that were going to be in this, they were going to be, they were struck from the original plan and replaced and it was never made clear on just what the resolution of that was, if I recall the last meeting there's some question about ownership and who was going to own what so on and so forth but that was never made public in any way.

MR. ARGENIO: Greg, I want to split that question in two, first address the single family lots and the ownership issue.

MR. SHAW: Well, what he was referring to is what I referred to tonight as the westerly section which is this parcel of land which is west of the Central Hudson easement, the previous proposal indicated that to be 28 single family homes with each home on an individual lot, that in turn has been replaced by attached housing, okay, in fact, the road pattern is similar but the type of housing is different. So I think that's part of your question, I'm not sure, Part B of your question if you can repeat it?

MR. BEDETTI: To Part A, it sounds as though you've scuttled the single-family houses in that area, in other words--

MR. SHAW: No, what's going to happen if you want to

buy this unit, this unit's going to be sitting on a piece of land, all right, it's just going to be the same as if you purchased a one acre lot, you're going to get a metes and bounds description, you're going to own that physical land and the building that sits on that land. And in this particular case, it's a PUD, the size of the lots are much smaller but they're all lots, that's our proposal and you would buy a lot and common elements such as the open space parcels and the private pond I referred to and the water and sewer mains there would be a homeowners' association formed which would take care of the landscaping and the snow plowing of the private roads, the water and sewer systems and I believe the exterior of the building.

MR. BEDETTI: Are these single family units that are, that could, that are left detached units or attached?

MR. SHAW: They're clustered in this particular grouping right here you have 1, 2, 3, 4, 5, 6 lots which abut one another, in other words, here's a common lot line that separates this unit from that and another lot line so you'd have lot lines running down the common party walls and the lots would be 25 feet wide by 105 feet deep.

MR. BEDETTI: I guess that really gets back to the question of how do you get around the requirement that a minimum of 10% of the units be single family dwellings, detached units? I'm not quite sure that you've done that, you know, again, my main thrust here is to determine how you got around that requirement.

MR. SHAW: To be honest with you, I'm not sure there's a requirement that 10% be single family detached, this was, special permit was granted for this to be in a PUD which was a mixture of different types of residential commercial office space retail space and I don't at least I could be wrong but I don't recollect a specific 10%.

MR. ARGENIO: Dominic, are you aware of any requirement that Mr. Bedetti might be alluding to?

MR. CORDISCO: Not only am I not aware--

MR. BEDETTI: It's in the Town Code, unfortunately, I didn't bring mine.

MR. ARGENIO: We're not going to debate it, we're here to get comments but we're certainly going to look into it, we're not going to do something that's not lawful, I think you know me well enough by now.

MR. BEDETTI: I don't necessarily mean that he's doing anything, well, I shouldn't say that, I retract that, I just again want to know how he got around that because--

MR. ARGENIO: You shouldn't use that term, that's unfair cause we don't know that he is or is not getting round anything. What we're going to do, Dominic will doublecheck for compliance, that's the right thing to do and he's going to do that.

MR. BEDETTI: Because like I say prior to this it was mentioned that there was some question about ownership and so on and how they were going to handle that question and this is my first chance to comment on it. Thank you.

MR. ARGENIO: Okay, Mr. Bedetti, thank you. Anybody else have anything else? Yes, ma'am, please come forward and state your name and address.

MS. BOSLEY: Georgiana Bosley, I live at 5001 John Hancock Court. I have an end unit over by Epiphany and John Hancock and I wanted to ask this gentleman how long a period of construction is estimated? How many years?

MR. SHAW: I can't answer that. In this market today, it could be a while.

MS. BOSLEY: From start to finish?

MR. SHAW: From when we start to when we do finish even if this project was approved today we're not sure of a start date.

MS. BOSLEY: And how many phases?

MR. ARGENIO: She's asking you a question and you may not have an answer tonight but this board will certainly be asking that question.

MR. SHAW: I don't have an answer, we haven't thought that far down the road.

MS. BOSLEY: Because this is a far greater scope than Patriot Ridge where I live, I think it will be a period of time and it will be, I'm hearing two behind me more than two phases, I would think, and when you consider the amount of traffic that we're going to have down Epiphany, I know this will happen but I'm pleading with the board to consider what it will be like for Patriot Ridge to have no protection.

MR. ARGENIO: Ma'am, is your primary concern same as Trif's with the, specifically the construction traffic volume or is your primary concern with the dust and the dirt associated?

MS. BOSLEY: It's both, our buildings were powerwashed after we moved in and there's without a doubt it will have to be done again when this project is complete.

MR. ARGENIO: This is the feedback we're looking for.

MS. BOSLEY: This is a big expense to our homeowners'

association, we all have windows, that's, my windows will be mud, they're already in the tracks some that I haven't even cleaned yet so I know there's going to be an impact as homeowners and other quality of life is going to be affected if we're not protected during construction. Can a street sweeper be used on Epiphany?

MR. SHAW: Absolutely.

MS. BOSLEY: And can AVR personnel be asked to or required to pick up the debris that will fall off trucks? It happens, wrappers, different things fall off construction vehicles.

MR. ARGENIO: This is good feedback, ma'am.

MS. BOSLEY: And the drivers throw coffee cups out and papers, we already have it from the businesses down on 32, the restaurant, we even have it from our homeowners, I hate to say, but we have constant debris and it will just multiply and this is talking years of this and so I feel I have to speak as a homeowner to please ask you to consider us, it's not that we get anything extra out of it, just that we'd be taken care of in the process as it's happening.

MR. ARGENIO: Duly noted. Anything else, ma'am?

MS. BOSLEY: We have an eyesore and I don't know if this could be addressed now, this is going back but it's also present on the hill going down Epiphany on the left going down, it's dead shrubs, it's total neglect, it's weeds not even pulled and taken care of and we don't feel good about this project, I'd like to see that that be taken care of too, that that be cleaned up, just make it grass, never should have been something that wouldn't be taken care of.

MR. ARGENIO: Thank you.

MS. BOSLEY: And I think that's all. Thank you.

MR. ARGENIO: Thank you. Anybody else?

MR. VAN LEEUWEN: No, I have nothing. So moved, motion to close the public hearing.

MR. SCHEIBLE: Second it.

MR. CORDISCO: I'd like to clarify your motion if I may, if you're going to close the public hearing, SEQRA regulations require that the public comment period be left open for a minimum of ten days but in addition to that, the outside agencies--

MR. ARGENIO: Other agencies have to be 30 days to comment?

MR. CORDISCO: --have 30 days to comment and it's my understanding that the applicant is still in the process of distributing to those agencies. So what I would suggest is that and it's also my understanding that the final deliveries are going to be made within the next several days, since the next meeting is on January 14 that's more than 30 days hence I would suggest that the written comments be accepted until the January 14 meeting, that would seem to cover it.

MR. ARGENIO: Has nothing do with closing the public hearing right now?

MR. CORDISCO: You close the public hearing except for the acceptance of written comments which would be accepted until January 14.

MR. ARGENIO: Motion has been made to close the subdivision, site plan and SEQRA public hearings.

MR. BROWN: Second it.

MR. ARGENIO: Seconded subject to what Dominic just read in. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I want to say a couple things then if you guys want to say something we're going to see, look at this plan and digest it as I have already done so we can give it its due attention. This applicant, Mr. Olsen, mentioned the water, I happen to know cause I have a draft copy of the document in my hand, legal document, this applicant has committed in the neighborhood of six figures or just over six figures to improve the pump station over on Union Avenue near the Epiphany hill, that's near the tank for anybody who cares. That station lifts to the top of the Snake Hill, we have a million three thousand gallon tank, is that right up there?

MR. EDSALL: Just over a million.

MR. ARGENIO: That services the entire upper plateau in New Windsor where you live, Mr. Bedetti, where Carmen lives all the way out to Vails Gate, so we need that improved not only to support this application but for the citizens that already live in New Windsor that pump station has to be improved. This applicant is going to see to it that it's done and Mr. Green, Supervisor Green and his learned counsel are going to make sure that we get those funds and those improvements are done. And I don't have to tell everybody how important it is that the sewer gets corrected, Lander's gets flooded in the back whenever it rains hard, mitigating this problem and a lot of other stuff too. So we're

going to take all these comments into advisement, I certainly appreciate them, I'm sure my cousin, Jeff, will be calling me if he thinks of anything else as sure as I know my own name. Do you guys have anything else you want to talk about there? Is there any procedural issues?

MR. CORDISCO: Just two minor procedural notes, Mr. Chairman, the first one being is that the public hearing just to clarify was closed in relation to not only the draft supplemental EIS but also for the subdivision and site plan.

MR. ARGENIO: Thank you.

MR. CORDISCO: In addition, however, the code typically calls for in the code and also state law calls for certain potential default approvals of those but those timeframes do not kick in until the close of SEQRA so the applicant is aware that there's not going to be a default approval of this subdivision or site plan until SEQRA is completed.

MR. ARGENIO: Thank you. Greg, I also have in my hand a letter dated December 10, 2008 from the Palisades Park Commission, you know those fine folks, I have not read it yet but you should reach out to Myra and get a copy of it, I assume it probably talks about historical artifacts things of that nature.

MR. SHAW: Absolutely.

MR. ARGENIO: Get a copy of that to him, Myra. Thank you guys for coming in and thank you the public for being respectful with your comments and they're all very, very good comments.

MR. SCHEIBLE: Just one thing there, I'm glad to see it's been long overdue that the people along Park Hill Drive will have an alternate access emergency access.

MR. ARGENIO: Yes, it's a great thing.

MR. SCHEIBLE: That's something that's been long overdue, it's been a scary thought because I have a daughter that lives on Park Hill and it's a scary thought that anything should happen at the entrance of Park Hill, tree comes down and there's an emergency situation that they're done. There was never another access, this is clearing that situation up the way it should be.

MR. ARGENIO: You're wise beyond your years, my man.

REGULAR_ITEMS:

WALGREENS_(08-20)

MR. ARGENIO: Next is Walgreens retail site plan. This application proposes construction of a 14,550 square foot retail building. The plan was reviewed on a concept basis only. This is the Primavera Hardware site/former Cavallo's Restaurant site/New York State DOT parking lot location. Sir, can I have your name and the firm you're with?

MR. RYAN: Thank you for hearing this. Mr. Chairman, members of the board, for the record, my name is Jim Ryan, I'm with the firm of John Meyer Consulting. We're the engineers and planners representing the applicant in this case and the owner as well. If you'd like, Mr. Chairman, I can take people very briefly through the application.

MR. ARGENIO: I'd like to do that because I'm going to tell you why I want to take a broad stroke look at this tonight cause you've got a long way to go, my man. Mark's got four or five pages of comments and I, there's probably quite a few outside agencies involved between DOT, your parking lot acquisition and whatever else you have to do here. So give us a broad stroke.

MR. RYAN: Thank you, Mr. Chairman. The application is involving several properties as the chair indicated, it would include the demolition of several buildings, there's an existing Stop Light Tavern that would be demolished as part of this application, I have an aerial photograph that shows that building. There's also the Primavera Hardware which would also be demolished as part of the application as well as there's an existing lot here owned by the DOT and we're still working with the DOT but it's our hope to secure that property, make it part of one property which is, it's the intent of this owner to merge that.

MR. ARGENIO: You don't have that lot yet?

MR. RYAN: Not yet but it's close at this point.

MR. ARGENIO: How close?

MR. RYAN: I'd say within the next 30 days, Mr. Chairman.

MR. ARGENIO: That's close.

MR. RYAN: It would bring all these properties together and the intent to merge that property would be one lot, it would be approximately 14 acres. What we would like to do is to redevelop this portion of the property. I have a site plan which shows the proposed Walgreens location, this is 32 here, this is where the Hess building is up a the corner of 32 and 300 and these are the existing uses within the property which would include the Jiffy Lube, the Blockbuster Video and an existing car wash. What we're looking to do is make some improvements to incorporate this building, improve the general flow through this property, upgrade it generally to support the Walgreens with a drive-thru here, enhance it with landscaping, we have been working with your engineer and a number of comments he has--

MR. ARGENIO: If I can interrupt you, this is Domino's here?

MR. RYAN: Yes.

MR. ARGENIO: And Hess is over here?

MR. RYAN: Hess is right here on the corner.

MR. VAN LEEUWEN: Can I ask you a question? Is this going to be all part of the existing piece?

MR. RYAN: It would be part of one property, it would be merged and it would be a 14 acre property.

MR. VAN LEEUWEN: That's with the--

MR. RYAN: With the DOT property as well. So, you know, again, this aerial photograph shows that the DOT property there's a line right here, DOT property here, there's an existing residential property as well and a retail here and the Primavera Hardware right here. These are right now three lots plus this lot again would all, are merged into one lot into a 14 acre lot. The intent along this frontage of Route 32 there are existing four curb cuts there, we're going to reduce that to two curb cuts to facilitate the operation of the Walgreens and provide a better access. Again, our plan calls for some improvements to upgrade the sidewalks in this area, provide landscaping, lighting and so on.

MR. ARGENIO: We'll be looking closely at the landscaping especially in this corridor.

MR. VAN LEEUWEN: Can I ask you another question? That house that's over here that's coming down too between the parking lot and Primavera?

MR. RYAN: Yes, that's where the house location is that would be going as well.

MR. VAN LEEUWEN: Okay.

MR. RYAN: The plan when you look at it as an entire 14 acre property we look at the zoning it would comply in all respects with the zoning. We have provided the code would require 179 parking spaces, we have 181 parking spaces here. We also have received through your engineer some input from the fire department too and we have upgraded, made some changes to accommodate their concern, they wanted some widened roadways along

the frontage parallel on Route 32 for the fire vehicles so we have already incorporated that into the plan and again we have prepared a lighting plan too to make sure that we didn't have an overlit property, we have fixtures here and a luminare plan that shows nine lighting levels as well. When it comes to some of the other technical issues the storm drainage we have also prepared a storm water management plan for this which includes just briefly an underground treatment and storage area for storm water here in this parking lot and again there would be a water quality device associated with that too. We still have a little bit of work to do with the engineer with regard to some of the existing pipes here so we'll continue to work on the engineering and storm drains but I think generally everything looks good. We do have one sewer main to relocate which will be coming through the building and that currently services this existing Jiffy Lube building here so we would make that change as part of the overall plan. I think that's really the summary of the application, we know that we're kicking off here and look for your board's input.

MR. ARGENIO: Let's toss it around the room. I'm going to start with a couple things and you guys got something to say chime in. We'll be looking closely at the landscaping, sir, it's a very high profile area in the town and we want to keep it nice. You need to get that DOT lot, you say you're close to acquiring it, let's leave it at that, hopefully you are. What about would you consider, Mark, hear me on this, that crosswalk that I'm seeing on 32 the two crosswalks, insomuch as Hank Scheible is going to comment on the sidewalks I'm anticipating that would you consider some type of DOT approved stamped colored asphalt or epoxy coated asphalt?

MR. RYAN: If the DOT would allow for that.

MR. ARGENIO: We're using it there where they're trying

to decorate places, the color it breaks things up, I'll call Sibby myself and speak to her if I need to, I don't have a problem with that but I want you to do that.

MR. RYAN: We would not be opposed.

MR. ARGENIO: Are you opposed to solar lighting?

MR. RYAN: Don't have a lot of experience with that.

MR. ARGENIO: You don't need it, Mark will help you with it. Guys, anybody have any thoughts?

MR. VAN LEEUWEN: Yeah, I do.

MR. ARGENIO: Is that a fair statement, Mark?

MR. EDSALL: Yes.

MR. VAN LEEUWEN: Have you been to the DOT for the access yet?

MR. RYAN: We have discussed that with them, they like the idea that we're eliminating curb cuts, that was important to them, separation was acceptable.

MR. VAN LEEUWEN: They didn't ask you for a second lane?

MR. RYAN: They have not asked for that.

MR. VAN LEEUWEN: I'm surprised, I was on the DOT committee years ago and they have realigned that, that's how we wound up with the parking lot and so forth, the DOT agreed to buy it and tear a house down, couple houses they tore down there and make a parking lot and it's interesting, it's interesting, I'm surprised they didn't ask for another lane though.

MR. RYAN: They haven't but as you know we haven't gone through that portion of the process yet but--

MR. ARGENIO: But you did get feedback.

MR. RYAN: We did get feedback, we wanted to do that prior to working out the design so we do have feedback.

MR. ARGENIO: Henry the second, do you have any thoughts?

MR. SCHEIBLE: I'm sure you have add asked has there been because now we're getting left with the two little spots down the corner between Angelo and Hess and if that could--I can't tell you--

MR. ARGENIO: Hank, which spots?

MR. SCHEIBLE: Angelo's is right there.

MR. ARGENIO: The two little establishments.

MR. SCHEIBLE: One being Hess and one being Angelo, Angelo is I would just somehow include that not that you have to purchase this, include it in the parking plan and so forth somehow if there's some kind of agreement that the two of you people could make.

MR. ARGENIO: What are you looking for, Henry?

MR. SCHEIBLE: Down in here because I see--

MR. EDSALL: Hank, what you're looking at is those two establishments, one used to be Nextel and it was a pizza place, point being those places historically park on the next door property so I think that's what Mr. Scheible is indicating is that we don't want to have them get cut off so they end up parking on the highway.

MR. SCHEIBLE: Because we had the bar there and all his

customers thought Angelo's customers would park there and some of the--

MR. EDSALL: So it can be incorporated even where some of the--

MR. SCHEIBLE: Is there a parking agreement? That's what I'm looking for.

MR. EDSALL: We can look at that in the workshop, see if there's something.

MR. ARGENIO: Mark, Henry, are you talking about like a parking agreement, Hank, where they park between where it says frame building and the lot line like you want them to park in here, is that what you're saying?

MR. SCHEIBLE: Not in there, no, come up in there.

MR. ARGENIO: Got it. Mark?

MR. EDSALL: We'll take that under advisement.

MR. ARGENIO: Howard, thoughts?

MR. BROWN: Nothing right now.

MR. ARGENIO: And this is early.

MR. BROWN: I like the solar lighting.

MR. SCHEIBLE: Naturally we're going to have sidewalks.

MR. RYAN: Yes.

MR. ARGENIO: Good spot for your dumpster location, try to get it so it's out of sight as best it can be, it's a high profile site, obviously, so we want to make sure it looks nice. We're very concerned in the area about aesthetics, I'm going to want to see an elevation, I

would think you guys would want to see it, I don't need to see it tonight. I'd like to see it. Sir in the back, are you with the applicant? You were raising your hand before.

MR. BANNON: Yes, my name is Jim Bannon, I'm the property owner, I'm with MCB Properties.

MR. ARGENIO: You can come up and speak.

MR. BANNON: I want to clarify, you talked about the Angelo's property next door.

MR. ARGENIO: Come forward so Franny can hear your voice.

MR. BANNON: My name is Jim Bannon, I'm with MCB Properties, we own the existing properties, Jiffy Lube and Blockbuster and I was just here just to see how things were going. But a question was brought up about the properties and trying to tie that in and we have talked with them on numerous occasions to try to purchase that in place of the DOT parking lot and really--

MR. ARGENIO: They don't want to sell.

MR. BANNON: They're not interested in selling and for us to try to hold up the project they live there on top of the building, the mother does, they run the business underneath, you know, they're very comfortable there.

MR. ARGENIO: They'll be at the public hearing.

MR. BANNON: I'm sure. Anything we can do to facilitate the project we'd be happy to entertain but--

MR. ARGENIO: You mean in the form of accommodating those nice folks?

MR. BANNON: We've done that for the last 15 years that we've been there and they do have a parking lot behind the building and a substantial one. The problem they have is they have a very small entrance on the one side of the property towards us so one of the things that if you want to do maybe look at that curb, maybe push that back.

MR. ARGENIO: Maybe we should talk about like an elevated parking garage with an elevator for cars? Thank you, Mr. Bannon. Guys, anything that we can do procedurally, Dominic or Mark?

MR. EDSALL: Well, I just want have very brief comments, I know you're moving along here, I just wanted to share my comments.

MR. ARGENIO: I don't want to get into your comments about the plan.

MR. EDSALL: I don't want to either. What I want to do is the reason why the comments are the length they are is that the applicant at the workshop has been very cooperative, Joe Sarchino has spoken to me several times about the plans.

MR. ARGENIO: Joe Sarchino.

MR. EDSALL: The plans are complete enough at this point that I can actually do a complete review so hence the review was done. I believe it's in good enough shape to refer to DOT, I will include, I will coordinate with you, Mr. Chairman, to include that request on the crosswalk in the planning board's referral to DOT.

MR. ARGENIO: Tell Sibby I'm going to give her a DOT item before that and I would like that in there, I want some color out there, I'll give up the DOT.

MR. EDSALL: Exactly, and Orange County Department of Planning we're in adequate shape to refer this over for that as well. Last issue the DOT parking lot just to affirm their representation that they're moving along with that sale, I have spoken with the regional, the engineer up in Poughkeepsie several times, they're definitely moving along very briskly, the Supervisor advises me that he wrote off on that transfer on behalf of the town so that's moving.

MR. ARGENIO: Go ahead.

MR. CORDISCO: I think that the only other outside agency permit would be DOT but nevertheless should circulate for lead agency.

MR. ARGENIO: Mark, you feel the plans are appropriate enough at this point?

MR. EDSALL: We'll take care of that as well.

MR. ARGENIO: Good, no problem.

MR. RYAN: Thank you for your time.

MR. EDSALL: Mr. Chairman, one thing counselor and I were just discussing, given the fact that they have worked well at the workshop and they're in a somewhat complete state for the completion of the final version of the SWPPP or at least one that we can write off on it might be timely for the board to decide if you in fact do want a public hearing and if it's really just the SWPPP you could authorize it subject to the SWPPP being placed on file and have it when you're ready.

MR. ARGENIO: I remembered my thought, thank you, Mark, my thought was firemen have not signed off on, you're not, your building or your sprinkler or your lack of sprinklers and traffic route.

MR. EDSALL: I spoke with Mr. Bedetti the day before and he had been at one of the workshops and in fact commented on their plan and they have fixed one of the concerns he had and he verbally indicated to me that he was okay with the layout less one thing. He wanted to see if DOT would authorize 30 foot curb cuts out to the highway rather than the 25s but he agreed that DOT wouldn't authorize it, he's got to live with what DOT approves just so you know.

MR. ARGENIO: So if access is 25 why have 30 inside?

MR. EDSALL: Exactly, but that's something we have to petition DOT about.

MR. ARGENIO: I'm going to go around the room on this public hearing, this is too busy a place in my opinion to not have a public hearing. So that's my feeling. I'll start on this side with Mr. Scheible, do you think that there should be a public hearing or not?

MR. SCHEIBLE: No, I definitely believe there should be a public hearing, neighbors galore.

MR. ARGENIO: Do you think that the plans are in a sufficient enough state where they can have the public hearing, do you think they can?

MR. SCHEIBLE: Yes, they can.

MR. VAN LEEUWEN: I'm in the same boat.

MR. SCHEIBLE: You're cleaning up this neighborhood, it's going to look a lot better than it does right now.

MR. BROWN: Yes.

MR. ARGENIO: I'll have a motion that we schedule the public hearing.

MR. CORDISCO: I would add to that that the applicant make the corrections outlined in Mr. Edsall's comment memo and also that it will be conditioned on not only this but submission of a storm water plan.

MR. ARGENIO: Duly noted.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for Walgreens site plan subject to what Dominic just read in. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. RYAN: Just one question, public hearing date, when is that determined?

MR. CORDISCO: It's basically you submit your plans and then you'll be scheduled.

MR. ARGENIO: You take care of the plans, get your act together and you have to do that with Mark.

MR. EDSALL: Get back to the workshop, we'll check everything out and we'll set a date with Myra.

MR. RYAN: Thank you very much.

MEADOWBROOK_ESTATES_SUBDIVISION_(01-42)

MR. ARGENIO: Meadowbrook Estates, last item on tonight's agenda and I want to hear from Mark or Dominic on this, possibly the Supervisor. This is a request for extension of approval. There's one change, there's going to be a lot line change in which this applicant is going to convey some 42 or 43 acres to the town for the use and benefit of the children and people of the town in the form of land at Mt. Airy Park. Is that correct, Mr. Supervisor or close to correct?

SUPERVISOR GREEN: It's 29 plus acres.

MR. ARGENIO: It's 29 acres, okay, I misunderstood, sorry. Mr. Bloom, I'd like to hear from you.

MR. BLOOM: Yes, thank you, Mr. Chairman. For the record, my name is Dan Bloom and I represent the owner of the property which of course is the Cavalari family. If I may, Mr. Chairman, a little bit of history on the project and you're all obviously very familiar with it.

MR. ARGENIO: Don't give me too much, Danny, cause I'm going downhill my man.

MR. BLOOM: It started back in 2001, it had its problems, it finally came to fruition, it got approvals for 90 lots. At the present time, the developer because of the times, financial times is not able to proceed. My client has a new developer, Mr. Wayne Courts is here this evening and he's in the process of doing his due diligence and hopefully will be signing a contract imminently and paying the fees that are due the town very, very shortly. And based upon that, we're here to respectfully request an extension of time and/or extension of the permits that have already been granted to the project which expired on December 6 of this year. And in consideration for doing that, as was alluded to before, my client is prepared to do a lot

line change and convey title to that acreage that Mr. Green referred to before for the purposes I believe of a ballpark for the town.

MR. ARGENIO: This is reapproval, is that correct?

MR. EDSALL: You're absolutely correct, it's listed on the agenda as extension of approval which it's actually a reapproval and as per normal planning board policy let the record reflect that there has been no changes to the plans which would warrant reopening SEQRA or anything to that extent and I see no reason why you couldn't do as normally would be a reapproval.

MR. ARGENIO: So the only changes is the conveyance of the land, is that right, George? How many acres?

SUPERVISOR GREEN: I've got it on another map but it's 29 plus or minus.

MR. EDSALL: So the final plan that would be submitted at some time for the new approval would have to except that out as being the lands dedicated to the towns.

MR. ARGENIO: And the metes and bounds will be described in legal form and you or Dominic or Mike or somebody will go through that.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion unless anybody has any questions I'll accept a motion to that effect for reapproval.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: I'll have a roll call for reapproval for Meadowbrook.

ROLL CALL

MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you.

MR. CORDISCO: We'll prepare a resolution reflecting that.

MR. ARGENIO: Okay. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

